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2                   UNITED STATES DISTRICT COURT  
3                   WESTERN DISTRICT OF WASHINGTON  
4                   AT TACOMA

5 DERRICK JOHNSON,

6                   Petitioner,

7                   v.

8 DONALD HOLBROOK,

9                   Respondent.

CASE NO. C14-5461BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

10                  This matter comes before the Court on the Report and Recommendation (“R&R”)  
11 of the Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 12. The Court  
12 having considered the R&R and the remaining record, and no objections having been  
13 filed, does hereby find and order as follows:

- 14                  (1)     The R&R is **ADOPTED**;  
15                  (2)     Petitioner’s petition for habeas corpus is procedurally barred; and  
16                  (3)     A certificate of appealability is **DENIED**.

17                  Dated this 10th day of December, 2014.



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20                  BENJAMIN H. SETTLE  
21                  United States District Judge  
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